

A  
**B I L L**

TO

Extend and Amend the Provisions of the "Record of Title  
 " (Ireland) Act, 1865." A.D. 1873.

WHEREAS the Commissioners acting under a Commission issued by Her Majesty to inquire, amongst other matters, into registration of title to real estates, by their report, dated the twenty-fourth November one thousand eight hundred and sixty-nine, reported that it was expedient to continue the system of registering titles, and to improve the same in certain respects:

And whereas it is expedient to extend and amend the provisions of the Record of Title Act (Ireland), 1865:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

1. This Act may be cited for all purposes as "The Record of Title (Ireland) Extension Act, 1873," and it shall come into operation on the *tenth day of August one thousand eight hundred and seventy three.* Short title and commencement of Act.

2. This Act and the "Record of Title Act (Ireland), 1865," (herein-after referred to as the "principal Act,") so far as the same is not inconsistent with this Act, shall be read and construed together as one Act. To be read with the Record of Title Act.

3. In the construction of this Act—

The word "office" shall mean the Record of Title Office established by the principal Act: Construction of terms.

The word "prescribed" shall mean prescribed by any rule or direction of the court made under the powers of this Act or of the principal Act:

Other words and expressions shall have the meanings which are assigned to them by the principal Act.

[Bill 79.]

A.D. 1873.

## PART I.

## EXTENSION OF THE RECORD OF TITLE ACT.

Conveyances  
and declara-  
tions to be  
in duplicate.

4. Every conveyance and every declaration of title granted by the Landed Estates Court after the commencement of this Act shall be prepared and signed in duplicate, and shall have annexed 5 a map of any land conveyed thereby or included therein.

Conveyances  
and declara-  
tions to be  
recorded.

5. Section seven of the principal Act is hereby repealed, and every conveyance and declaration of title granted by the court after the commencement of this Act shall forthwith, on the signature and completion thereof, be transmitted to the Record of Title 10 Office to be recorded.

## PART II.

## AMENDMENTS OF THE RECORD OF TITLE ACT.

Duplicate  
equivalent to  
original for  
the purposes  
of recording.

6. For the purposes of sections eight and nine of the principal Act, the counterpart or duplicate of any conveyance or declaration 15 shall be equivalent to the original thereof, and shall be entered on the record of title where the original is issued to the person entitled thereto.

Amendment  
of section 19,  
of principal  
Act.

7. Section nineteen of the principal Act shall be read as if there were inserted therein a proviso that the production of the certificate 20 may be dispensed with where the same is shown to be deposited by way of security with a prior creditor.

Repeal of  
section 20,  
of principal  
Act.

8. Section twenty of the principal Act, providing for the issue of a "special" land certificate is hereby repealed.

Recorded  
estates to be  
affected by  
entry made  
on the re-  
cord, and not  
by execution  
of deeds, &c.

9. Sections fifteen, twenty-six, and twenty-eight of the principal 25 Act are hereby repealed, and in lieu thereof be it enacted that no deed or instrument or other act shall be effectual to transfer, charge, or otherwise deal with or affect any recorded estate or charge. A deed or instrument shall take effect only by way of 30 contract between the parties thereto, and as authority to the recording officer to make a suitable entry on the record, and on the making of such entry on the record the estate or charge shall become transferred, charged, dealt with, or otherwise affected according to the nature of the transaction.

Repeal of  
section 32,  
of principal  
Act.

10. Section thirty-two of the principal Act, enabling the record 35 to be closed on the requisition of the recorded owner, is hereby repealed.

11. Every contract, covenant, or agreement, made or entered into after the commencement of this Act, to the effect that any estate or charge shall not be placed on the record of title, or shall be removed therefrom, shall be null and void both at law and in equity.

12. The period of six months prescribed by section thirty-five of the principal Act in the case of an application by the heir-at-law of a deceased owner of land may, if the court think fit, be computed from the day of the death of such deceased owner, and not from the date of the application.

13. Every instrument to be received by the officer for entry on the record shall follow some one of the forms annexed to the principal Act or to be framed by authority of the court, or shall be as near to the prescribed form as the circumstances will permit.

14. Provided always, that the rights of parties claiming otherwise than under deeds and instruments in the prescribed form may be declared by order of the court, and any such order or an abstract thereof shall be noted on the record.

14. The following additional rules shall be observed in maintaining the record of title:—

- (1.) No notice of any trust, express, implied, or constructive, shall be receivable by the officer or entered upon the record unless the same shall appear upon a conveyance or declaration of title of the Landed Estates Court or upon some order of the said court or of some other court of competent jurisdiction:
- (2.) The officer may decline to enter the names of more than five persons on the record as joint owners of any estate or charge:
- (3.) The officer may decline to receive any deed purporting to transfer or deal with part of an estate unless there be a sufficient map annexed to the same:
- (4.) On being satisfied by sufficient evidence that any lease on a recorded estate has determined, the officer may make an entry of the fact on the record.

A.D. 1873.

Contracts, &c. excluding the record of title not to be valid.

Amendment of section 35. of principal Act.

Deeds, &c. to be in prescribed forms.

Additional rules to be observed in maintaining record.

Record of Tytle (Ireland)  
Act (1865) Amend-  
ment.

---

A

B I L L

To extend and amend the Provisions of  
the "Record of Tytle (Ireland) Act,  
1865."

*[Prepared and brought in by  
Sir Robert Torrens, Sir Colman O'Loghlen,  
Mr. Pies, and Mr. Matthews.]*

---

*Ordered, by The House of Commons, to be Printed,  
26 February 1873.*

---

[Bill 79.]

*Uinder I. cc.*